MILITIA LAW

OF THE

STATE OF CONNECTICUT,

REVISION OF 1893.

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CHAPTER CLXXXIV.

MILITIA.

LIABILITY AND EXEMPTION.

Section 1. All male citizens of this state between the ages of eighteen and forty-five years, not expressly exempted by law, shall be subject to military duty, and designated as the militia. Military subjects.

Sec. 2. The active militia shall be organized as hereinafter prescribed, and designated as the Connecticut National Guard, and said guard shall be liable at all times to be ordered into active service, and, except as hereinafter provided, shall first be called out by the commander-in-chief on all occasions for military service, and may by him be turned over into the service of the United States, on requisition by the President, for service without the state, not exceeding three months in any one year. In time of war, invasion, rebellion, or riot, or reasonable apprehension thereof, or upon requisition by the President of the United States, the commander-in-chief shall order out, for active service, such further portion of the militia as he may deem necessary, designating the same by draft, if a sufficient number shall not volunteer, and shall organize the same and appoint and commission officers therefor; and when so ordered out for service the militia shall be subject to like regulations and receive from the state like compensation as that prescribed for the army of the United States. Active militia designated Connecticut National Guard. When in active service.

Sec. 3. The commander-in-chief shall apportion any such draft equitably among the several towns; and the order therefor may be directed to the selectmen of each town, who shall thereupon Drafts.

amend the rolls of the militia therein by adding thereto the names of persons subject to enrollment, and by striking therefrom the names of persons exempted by the provisions of this title; and they shall appoint a time and place of parade for the militia in such town, and order them to appear thereat, either orally or by leaving written or printed notices with them, or at their usual places of abode, or by publishing a notice thereof in some newspaper printed in the county in which said town is, and by posting a like notice on the public sign-posts in said town; and shall then and there proceed to draft such number by lot from such militia, or to accept such number of volunteers, as the order of the commander-in-chief shall require; and shall return to the adjutant-general the names of persons drafted, or enlisted under said order, who shall thereupon be subject to the order of the commander-in-chief; and if any selectman of any town shall neglect or refuse to comply with such order, the commander-in-chief shall appoint some proper person to execute the same, at the expense of such town, who shall make return of his doings to the adjutant-general.

Governor only to call them out.

Sec. 4. No person except the commander-in-chief shall call out the militia or national guard of this state for any duty whatever, except as hereinafter provided.

In case of riot or civil commotion.

Sec. 5. In case of riot or civil commotion in any place in this state, any officer whose duty it is to enforce the civil authority at such place, shall, if he considers that the force at his disposal is not sufficient, inform the commander-in-chief, who may order out such portion of the national guard as he thinks proper, and may direct the proper commanding officer of such force to communicate with the person making the application, and to assist such person in preserving the peace, and to use such portion of his force as may be necessary therefor. But before using this force against any body of men, such preliminary warning shall be given and precautions taken as are provided by law.

When governor cannot be communicated with.

Sec. 6. In case it is impossible to immediately communicate with the commander-in-chief, the civil officer making requisition for assistance may, if he deem the danger too imminent to admit of delay, serve a copy of such requisition, together with a statement of his inability to communicate with the commander-in-chief, upon the commanding officer of such portion of the national guard as may be in his district, who is hereby authorized to exercise, with respect to calling out the troops under his command, the powers herein conferred upon the commander-in-chief; but if the action so taken is disapproved by the commander-in-chief, the troops so called into service shall be immediately discharged from further duty under that call.

Militia not liable for injury to any resisting the laws.

Sec. 7. If any person or persons resisting the laws of the state, or unlawfully or riotously assembled, shall be injured or killed by any of the military force called out under the provisions of the two preceding sections, such force and every member thereof shall be discharged from all civil or criminal liability therefor.

Sec. 8. The names of all male citizens of this state between the ages of eighteen and forty-five years, residing in each town on the first day of January, subsequent to the last previous enrollment, shall annually, at some time between the first day of January and the first day of February following, be enrolled alphabetically, by or under the supervision of the selectmen of the town in which they reside. On such enrollment lists and opposite the name of every person exempt from military duty, or a minor, or in the active militia, the selectmen shall write "exempt" and the reason of such exemption, or "minor" or "active militia," as the case may be, and shall sign said lists and file them in the office of the town clerk of such town; and annually, on or before the fifteenth day of February, make report to the adjutant-general of the total number enrolled on their respective town lists, the number marked exempt by reason of disability, the number exempt by reason of other causes, the number of minors, the number of active militia, the number liable to military duty, and the number liable to pay a commutation tax as hereinafter provided, and shall certify that they believe said lists to be correct. The adjutant-general shall forward the return of the number liable to pay a commutation tax to the state treasurer. **Enrollment of militia.**

Sec. 9. The following reasons shall exempt from such military duty: first, such physical or mental disabilities as shall be prescribed in general orders issued by the surgeon-general and approved by the commander-in-chief, and printed copies of such approved general orders specifying such reasons of exemption, shall be sent annually on or before the first day of January in each year, to the selectmen and town clerk in each town in the state by the surgeon-general; second, service in the army or navy of the United States, during the late rebellion, and an honorable discharge therefrom; third, membership for the time being of a volunteer fire company in this state; fourth, service for five years consecutively in the active militia of this state or in any volunteer fire company in this state; fifth, being a warden or deputy warden of the state prison; sixth, any further reason expressly provided by law; but the reasons specified in the clauses marked second, third, and fourth in this section shall not exempt from military duty, in time of war, invasion, or rebellion, or reasonable apprehension thereof. **Who exempt.**

Sec. 10. The selectmen of every town shall, on every rate-bill for its annual tax, add a tax of two dollars on every person so enrolled as liable to military duty, except minors and members of the active militia, which tax shall be in commutation of military duty, and collected and paid to the town at the time and in the manner provided for town taxes. The town treasurer shall pay to the treasurer of the state, on or before the tenth day of November, annually, such military commutation tax as is determined to be due from their respective towns, by the returns of the selectmen to the adjutant-general last before made, except as hereafter provided, and the treasurer shall have the same power to enforce **Commutation tax.**

such payment as he has in the case of any state tax. The town treasurers in making the payments above provided for may deduct therefrom a sum equal to that part of the commutation taxes placed upon the rate-bills of their respective towns last issued which cannot be collected, not to exceed ten per centum of such taxes.

Penalty for neglect by selectmen.

Sec. 11. Any selectman neglecting or refusing to faithfully perform the duty as enrolling officer required by this chapter shall be fined five hundred dollars. When the adjutant-general shall find, from the returns of the selectmen in any town, that they have not made a true report of the number of persons liable to military duty or to pay a commutation tax, under the provisions of this title, he shall notify them by mail that they have failed to make such report; and if they shall not make true report of the number of such persons, as nearly as the same can be ascertained, within twenty days after such notice, he shall notify the state's attorney in the county in which said selectmen reside, who shall proceed to collect such penalty.

For refusing information or giving false information.

Sec. 12. Any person knowingly and wilfully refusing information, or giving false information, to any selectman making such enrollment, respecting the name, age, residence, occupation, military service, or service in any fire company, or physical or mental disability of himself or of his son or ward, or person in his employ or boarding with him, shall be fined twenty dollars. In case of doubt as to exemption from military duty, or from the payment of such commutation tax, the burden of proving such exemption shall be on the person claiming it; and all enrolling officers may require the persons examined by them to testify under oath, and may administer such oath.

Post-surgeons.

Sec. 13. The commander-in-chief shall appoint post-surgeons, removable at his pleasure, to determine exemptions from military duty by the standard of disability prescribed by the surgeon-general as aforesaid, and regimental surgeons or assistant surgeons shall be appointed for such duty in their respective towns. All decisions of such post-surgeons shall be subject to review and reversal by the surgeon-general.

ORGANIZATION.

Sec. 14. The governor shall be commander-in-chief of the militia, except when called into the actual service of the United States, and may employ it, or any part of it, for the defense or relief of the state, or any part of its inhabitants or territory; shall make and publish regulations for the government of the national guard, in accordance with the laws of this state, and shall have all the powers necessary to carry into full effect the provisions of this title. *Governor to be commander-in-chief.*

Sec. 15. His staff, which shall be part of the national guard, shall consist of an adjutant-general, with the rank of brigadier-general, appointed by him; a quartermaster-general, a surgeon-general, a commissary-general, a paymaster-general, and a judge-advocate-general, each with the rank of brigadier-general, and appointed by him, with the consent of the senate, and four aids-de-camp, each with the rank of colonel, appointed by him. And the governor may, in his discretion, commission on his staff, as inspector, with such rank as he may deem proper, any officer of the army of the United States detailed for duty in connection with said guard at the request of the governor. The surgeon-general shall be a graduate of some incorporated school of medicine, and of at least five years' practice. The judge-advocate-general shall be an attorney-at-law admitted to practice in the superior court in this state, and of at least five years' standing. The adjutant-general, with the consent of the commander-in-chief, may appoint an assistant adjutant-general, with the rank of colonel, who may perform all the duties of the adjutant-general in case of the absence, inability, or express directions of the latter. The quartermaster-general, with the consent of the commander-in-chief, may appoint an assistant quartermaster-general, with the rank of colonel, for whose conduct he shall be responsible, who may, under his direction, take charge of the property in his department, and perform such other duties therein as he may direct. *His staff.*

Sec. 16. In time of peace the Connecticut National Guard shall consist of not more than forty-eight companies of infantry, one signal corps, one battery of artillery, one machine-gun battery, and to each regiment not exceeding one hospital corps, and one band, fully armed, uniformed, and equipped, and organized into *Number and location of national guard.*

one brigade. This force shall be located throughout the state with reference to the military wants thereof, means of concentration, and other military requirements. The commander-in-chief, adjutant-general, and brigadier-general commanding the brigade, shall constitute a board for location and organization of the national guard within such brigade, with power to transfer, attach, consolidate, or disband, and reorganize at pleasure any organizations. But the commander-in-chief shall have power in case of war, invasion, insurrection, riot, or imminent danger thereof to increase said force, and said board shall organize the same as the exigencies of the case may require.

Term of enlistment.

Sec. 17. All first enlistments shall be for three years, but any person who has received or is entitled to an honorable discharge from said guard by reason of expiration of term of service, may be re-enlisted for a term of two years. All enlistments shall be made by signing duplicate enlistment papers in such form as may be prescribed by the adjutant-general, one to be forwarded forthwith to him by the enlisting officer, and one to be filed with the records of the organization in which such enlistment is made. Every enlisting officer may administer the oath required upon enlistment. No first enlistment shall be allowed of other than able-bodied male citizens of this state, between the ages of eighteen and forty-five years, residing in the town where the armory of the organization is situated, or in its vicinity, except that company musicians and members of regimental bands may be enlisted between the ages of sixteen and fifty years. In time of peace no minor shall be enlisted without the written consent of his parent or guardian; and no uniform, allowance, pay, or compensation shall be given by the state to any enlisted man not certified by the surgeon or assistant surgeon of his regiment, or a post-surgeon, to be able-bodied, in accordance with the standard prescribed therefor by the surgeon-general.

Minors.

Brigade and brigade officers.

Sec. 18. In time of peace the national guard shall constitute one brigade under the command of a brigadier-general appointed by the commander-in-chief, with the consent of the senate. The brigadier-general shall nominate on his staff an assistant adjutant-general, with the rank of lieutenant-colonel, an inspector, a quartermaster, a commissary of subsistence, an inspector of small arms practice, who shall also be ordnance officer and a judge advocate, each with the rank of major; a medical director with the rank of lieutenant-colonel, signal officer, with rank of major, and two aids-de-camp, each with rank of captain. The medical director must be a graduate of a lawfully established medical college, and have been in practice for at least five years prior to date of appointment. The judge-advocate shall be an attorney-at-law, admitted to practice in the superior court in this state, and of at least five years' standing. The brigadier-general may appoint and warrant four orderlies, two of whom shall rank as sergeant, and two as corporal, and one trumpeter, with the rank of sergeant, who

shall be chief trumpeter of the brigade. They shall appear mounted on all days of review and parade when so ordered by the brigadier-general.

Sec. 19. The field officers of a regiment shall consist of a colonel, a lieutenant-colonel, and a major for each battalion, all nominated by the field and line officers of the regiment. Each colonel shall nominate on his staff an adjutant with the rank of captain, a quartermaster and a paymaster, each with the rank of first lieutenant, a surgeon with rank of major, an assistant surgeon, with rank of first lieutenant, an inspector of small arms practice with rank of captain, and a chaplain who shall be commissioned without rank, but entitled to the same pay and allowances as a regimental adjutant. The non-commissioned staff of a regiment shall consist of a sergeant-major, a quartermaster-sergeant, a commissary-sergeant, a hospital steward, a chief trumpeter, a drum-major, and a mounted orderly with rank of corporal, to be appointed by the colonel and warranted by him. Each major shall nominate on his staff an adjutant with rank of first lieutenant, and a sergeant-major, the latter to be warranted by the colonel. All surgeons and assistant surgeons must be graduates of a lawfully established medical college, and all hospital stewards must be duly licensed by the state commissioners of pharmacy. **Regimental officers.**

Sec. 20. Each company shall consist of a captain, a first lieutenant, and a second lieutenant, all nominated by the company, a first sergeant, a quartermaster-sergeant, four sergeants, eight corporals, one trumpeter, and two musicians, and not more than sixty-four, nor less than thirty-two privates. **Company organization.** The machine-gun battery shall consist of a captain, to be nominated by the line officers of the battery, and as many lieutenants and organizations as there are regiments of infantry, which organizations shall be known by the numerical designation of the regiment with which they are located. Each machine-gun organization shall consist of one first lieutenant mounted, and such number of non-commissioned officers and privates as the commander-in-chief may from time to time prescribe. The commanding officer of each machine-gun organization shall hereafter be nominated by the members of the organization as provided in section 22. Each organization shall be provided with one or more machine-guns. To each machine-gun there shall be allowed two horses, and there shall be paid for each horse used on parade a sum not exceeding three dollars per day, and forage or commutation therefor. **Machine-gun battery.** The brigade signal corps, which shall be a staff corps under the command of the signal officer of the brigade staff, shall consist of as many sections as there are regiments of infantry, which sections shall be known by the numerical designations of the regiments with which they are located; as "First Section, Brigade Signal Corps," "Second Section," etc. Each section shall consist of a first lieutenant and such number of non-commissioned officers and privates as the commander-in-chief may, from time to time, prescribe, any or all of whom may, in the discretion of the brigade commander, be mounted, and when so **Signal corps.**

mounted, each member of the signal corps shall receive an extra compensation of two dollars per day. The commanding officer of each signal section shall be nominated by the members of the section, as provided in section 22 of this title. Each hospital corps shall consist of such number of non-commissioned officers and privates as the commander-in-chief may, from time to time, prescribe. Each regimental band shall consist of not more than twenty-five nor less than twelve members, one of whom shall be appointed and warranted, by the regimental commandant, chief musician with rank of first sergeant.

Hospital corps.

Battery of artillery.

Sec. 21. The battery of artillery shall consist of a captain, two first lieutenants, two second lieutenants, one first sergeant, one quartermaster-sergeant, one veterinary sergeant, four sergeants, eight corporals, two trumpeters, one guidon, and not more than sixty-four nor less than thirty-two privates. The two platoons constituting the battery of artillery may, at the discretion of the commander-in-chief, be located in different towns, and in such case the first lieutenants of platoons shall receipt for and be responsible to the state for all property issued to said platoons. To each platoon there shall be one first and one second lieutenant, nominated in the manner provided for officers of companies of infantry, two sergeants, four corporals, one trumpeter, and not more than thirty-two privates. The captain of the battery shall be nominated by the lieutenants of platoons, and he shall appoint and issue warrants for all non-commissioned officers of the battery; but if the two platoons are located in different towns, the first lieutenants of platoons shall nominate the sergeants and corporals of their respective platoons.

Nomination of commissioned officers.

Sec. 22. All meetings for the nomination of commissioned officers shall be ordered by the commander-in-chief. The orders therefor shall be addressed to the person therein designated to preside at such meeting, who shall, at least five days previous thereto, cause notice thereof to be given to each person entitled to vote thereat, by reading such a notice, stating the time and place of meeting, in his hearing, or depositing it in the mail, properly addressed, with the postage paid, or leaving it at his usual place of abode. The nomination shall be made by ballot by a majority of those present at the meeting, and the result thereof shall be forthwith returned, by the person presiding, to the commander-in-chief, through intermediate headquarters. If any person holding a commissioned office at the time, be nominated, such meeting, if otherwise competent, shall thereupon nominate his successor in such office. If there shall be a failure to nominate any officer at two meetings ordered therefor, the commander-in-chief may fill the vacancy by direct appointment. If the person so designated to preside at any such meeting shall not appear thereat, the senior officer present shall preside.

To be approved by the governor.

Sec. 23. Every nomination of a commissioned officer shall be subject to the approval of the commander-in-chief, who shall delay an appointment for ten days after receiving a return thereof,

to give opportunity for remonstrance, and if then approving shall issue his appointment therefor, and if not so approving shall order a new nomination, and after twice disapproving he shall fill such vacancy without further nomination. Such appointment shall be conditional, in the case of all officers required by law to appear before the examining board hereinafter mentioned. To all officers of or above the rank of lieutenant, who shall have passed an examination satisfactory to said examining board, or who are not required by law to pass such examination, the commander-in-chief shall issue commissions, dating from their respective nominations.

Sec. 24. In the case of officers for whose appointment the consent of the senate is required, the commander-in-chief may make appointments to office, which shall be valid till the further action of the senate thereon. Appointments in recess of the senate.

Sec. 25. The commandant of each company, machine-gun organization, signal section, and platoon of artillery shall, from its enlisted men, nominate its sergeants and corporals to the commandant of his regiment, corps, or battery, who shall appoint and issue warrants to the persons nominated when approved by him, or order new nominations when disapproving; but no non-commissioned officer's warrant shall be issued to any person not certified by his immediate commanding officer to have passed a satisfactory examination in the school of the soldier, the school of the company, and the extended order. The trumpeter and musicians of each company shall be appointed by its commandant. Non-commissioned officers.

Sec. 26. All persons who shall have served three years consecutively in the active militia shall be thereby entitled to an honorable discharge, exempting them from military duty thereafter, except in case of war, invasion, rebellion, riot, or reasonable apprehension thereof. But this section shall not apply to any person against whom charges are pending under the provisions of this title. Immunities after three years' service.

Sec. 27. The resignation of any staff officer shall be made to his immediate commanding officer, and, if approved, shall be forwarded to the commander-in-chief, who shall accept it and grant an honorable discharge. The resignation of any other commissioned officer shall be made to the commander-in-chief, through the military channels. The commissions of all staff officers shall expire when the officer nominating or appointing them, or his successor, shall make new nominations or appointments to their respective offices. Resignation of officers.

Sec. 28. Unless otherwise expressly provided, the Connecticut National Guard shall be governed by the rules and articles of war governing the armies of the United States, so far as the same may be applicable. Its system of discipline, exercise and administration shall conform as nearly as practicable to that prescribed from time to time for the army of the United States. National guard, how regulated.

Examination of officers.

Sec. 29. The brigade commander of the Connecticut National Guard, with such of his regimental commanders as he may select, and in his discretion that officer of the army of the United States, if any, who may be detailed for duty in connection with said guard, shall constitute an examining board whose duty it shall be, from time to time, upon the order of the adjutant-general, or upon the application of any regimental or battalion commander approved by the adjutant-general, to enquire into the military, moral and general capacity, qualifications and efficiency of any officer, who has been commissioned or may hereafter be nominated for commission in the brigade, and shall have such powers of a court-martial and of a court of inquiry as may be necessary for that purpose [Sec. 80]. The commander-in-chief shall give at least two weeks' notice to all such officers to appear before said board. Said board shall, within twenty days after each examination, make a detailed report of its result to the commander-in-chief, who shall thereupon revoke the commission or appointment of any officer failing to appear and pass an examination satisfactory to said board, ***provided***, that he may at his discretion allow an opportunity for examination at the next session of said board to any officer who has failed to pass or who has been recommended therefor by said board.

Company by-laws.

Sec. 30. Each organization may make by-laws for its government, which shall be binding on its members when approved by the regimental or corps commandant and the adjutant-general; and all fines and dues imposed by such by-laws may be collected in the same manner as is provided in section 68, except that it shall be legal to notify any delinquent of the incurrence of any fines or dues within three months of the date when the same were incurred, and notice may be given collectively of such fines or dues, or both.

ARMS, ARMORIES, UNIFORMS, AND EQUIPMENTS.

What companies to receive state aid.

Sec. 31. No company of military beyond the number authorized by this title shall receive from the state any aid or compensation whatever, except as hereinafter provided for the Governor's guards, but this section shall not affect the loan of arms and equipments made by the quartermaster-general when authorized thereto. No breech-loading arms shall be issued or loaned to any organization other than the companies of the national guard, or the Governor's guards.

Sec. 32. The quartermaster-general shall, upon due requisition therefor, approved by the adjutant-general, furnish the active militia, at the expense of the state, with suitable arms, uniforms, armories, ammunition, equipments, colors, camp equipage, and transportation from its armory to the place of parade or encampment, and a regimental headquarter-room for each regiment, for the safe-keeping of the colors and other state property in charge of the regimental commanders. **Arms, uniforms, etc., how furnished.**

Sec. 33. The armory of each company, machine-gun organization, signal section, and platoon of artillery shall, subject to the orders of the quartermaster-general, be under the charge of its commanding officer, who shall keep therein all property furnished his command by the state, and be responsible for it, and execute such bonds therefor as the quartermaster-general, from time to time, shall require; and no company, corps or platoon shall be so furnished until such bonds shall be executed and approved by the quartermaster-general, nor until a suitable armory shall be selected for their deposit. In case of the renting of any armory for other than military purposes the proceeds thereof shall be paid to the quartermaster-general, who shall pay them to the state. To each regimental band not quartered in a state armory, there shall be paid seventy-five dollars, annually, in commutation for the rent of its band room or armory. **Armories and band rooms.**

Sec. 34. In towns in which two or more military companies are located, suitable armories for the use of said companies may be built or purchased by the state. All contracts and transactions for building or purchasing shall be by a commission, to consist of the governor, adjutant-general, and quartermaster-general for the time being, who shall have full power to purchase land and build armories, as herein contemplated; and the comptroller shall draw his order on the treasurer in favor of said commission for such sums as said commission may certify to him to be necessary to pay bills contracted by them for the purposes aforesaid, within the limits of the appropriations made according to law; and the state is authorized to take any land the said commission deem necessary for military purposes. **Building armories.**

Sec. 35. If said commission cannot agree with any owner or owners upon the amount to be paid for land thus taken, they may apply in the name of the state to the superior court in the county where the land lies, or, if said court is not in session, to any judge of the superior court. Said application shall be accompanied by a summons, which shall be served and returned in the same manner as civil process; and upon said application said court or judge shall appoint a committee of three disinterested men, who, after being sworn, and having given reasonable notice to the parties interested, shall view the land, hear the evidence, ascertain the value, assess just damages to the owner or owners, and report their doings to said court or judge, who may accept the same, or may, in case of any irregular or improper conduct on the part of **Land, how condemned.**

said committee in the performance of their duty, reject it; and, in case of rejection, said court or judge shall appoint another committee, who shall proceed in the same manner as provided for the first committee.

Land to be paid for before used.

Sec. 36. The acceptance of the report of such committee shall operate as a judgment in favor of any person to whom damage shall be assessed against the state, and said court or judge may make any order necessary to protect the rights of all persons interested; and said land shall not be enclosed or used by the state until the amount of said judgment shall be paid to the party to whom it is due or deposited for his use with the treasurer of the county in which the land lies, and upon such payment or deposit said land shall become the property of the state. The expenses and costs of said hearing before the court or judge aforesaid shall be audited and allowed by the commission, and paid by them.

Cleaning and repairing arms and uniforms.

Inspection of armories.

Sec. 37. The quartermaster-general shall provide for the expense of cleaning and keeping in repair all arms, uniforms, and equipments furnished by the state to the active militia, in such manner as he shall prescribe; and shall, in the months of June and October in each year, inspect, or cause to be inspected by his assistant, the armories and band rooms and all state property in the possession of the active militia, or such portion as may be deemed necessary, or of any schools, persons, or associations; and may cause to be returned to the state arsenal and repaired all such property which he at any time shall find to be damaged by neglect or improper use. The expense of such inspections in the case of the schools, persons and associations aforesaid shall be paid by them.

Uniforms of commissioned officers.

Sec. 38. Every commissioned officer shall furnish himself with a complete uniform approved by the commander-in-chief; and every officer so uniformed and in service, on the first day of October in each year, shall be allowed and paid by the quartermaster-general, on or before the thirtieth day of November in each year, the sum of twenty dollars in payment therefor. General and field officers, and their staffs, shall appear mounted on all days of review or parade.

Regimental uniform.

Sec. 39. The uniform of the Connecticut National Guard shall be as prescribed by its commissioned officers and approved by the commander-in-chief, a sample of the uniform so prescribed being deposited with the quartermaster-general. The commander-in-chief, adjutant-general, quartermaster-general, and brigadier-general, commanding the Connecticut National Guard, shall constitute a military clothing board to receive proposals and award all contracts for uniforms which may be required for the use of the active militia, which uniform shall be as prescribed and in accordance with sample furnished. All uniforms must be accepted by said board before being paid for by the quartermaster-general; ***provided, however,*** that to each drum-major and member of regimental bands who shall provide himself with a uniform as pre-

scribed and approved, the quartermaster-general shall allow and pay, if so requested, the same sum as the uniform of a private of that command would cost; and upon such payment the uniform shall become the property of the state.

Sec. 40. Every uniform furnished by the state to the active militia shall remain in the armory of the organization, or room of said regimental band, in charge of the commanding officer of the organization or band, or of some suitable person appointed by him, except when worn in the discharge of military duty; and every non-commissioned officer, musician, or private, who shall neglect to return to the armory of the organization, or room of the band, or to place in charge of the commanding officer of the organization or band to which he belongs, any arm, uniform, or equipment, or portion thereof, belonging to the state, within six days after being notified by said commanding officer to make such return, or to place the same in his charge, shall be fined not more than fifty dollars, or imprisoned in jail not more than two months, or both, by sentence of a general court-martial, under the provisions of this title. **Uniform furnished by the state, where kept.**

Sec. 41. Every person who shall wilfully or wantonly injure or destroy any uniform, arm, equipment, or other military property of the state, and refuse to make good such injury or loss, or who shall sell, dispose of, secrete, or remove the same, with intent to sell or dispose thereof, shall be fined not more than two hundred dollars, or imprisoned in a jail not more than six months, or both, by sentence of a general court-martial, under the provisions of this title. **Injury to uniform, arms, etc., how punished.**

Sec. 42. If any person shall knowingly purchase or receive in pawn or pledge, any arm, accoutrement, article of military clothing, equipment, tent, or fly, or any commissary, quartermaster or ordnance stores, the property of the state of Connecticut, he shall be guilty of misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be fined not exceeding three hundred dollars, and imprisoned not exceeding one year. **Pledging state military property, how punished.**

DUTIES OF CERTAIN OFFICERS.

Sec. 43. The adjutant-general shall issue all orders of the commander-in-chief to the militia, and shall keep a record of the proceedings of his office. The records of the brigade, and of each organization therein, shall be kept by its proper officers in such form as he shall prescribe; he shall also furnish, at the expense of the state, all proper blank-books, blanks, and forms, and such **Adjutant-general.**

military instruction books as the commander-in-chief shall approve, and may order from each organization such returns and muster-rolls as he may deem expedient. He shall annually report to the commander-in-chief the condition of the national guard, with a roster of all the commissioned officers, and such other matters relating to the militia as he may deem expedient; and on or before the first Monday in January, annually, he shall make a return of the militia of the state, their arms, accoutrements, and ammunition to the President of the United States.

Quartermaster-general.

Sec. 44. The quartermaster-general shall take care of all public property belonging to his department, and biennially report to the general assembly, on the first week of each regular session, a complete inventory of such property and the places where it is deposited, with a detailed account of all articles consumed or issued, and money expended in his department not previously reported. Two persons shall be biennially appointed by the general assembly to audit the quartermaster-general's account, who shall, annually, in April, inspect the state arsenal, and the property therein, and report the condition thereof, and the correctness of the quartermaster-general's account, to the general assembly, during the first week of each regular session.

Surgeon-general.

Sec. 45. The surgeon-general, by and with the advice of the commander-in-chief, shall have general supervision and control of all matters pertaining to the medical department of the militia, and prescribe in general orders the physical and mental disabilities exempting from military duty. A board to consist of the surgeon-general, medical director and senior regimental surgeon of the brigade, shall examine and report to the commander-in-chief upon the professional qualifications of candidates for regimental surgeons, assistant surgeons, and hospital stewards.

Commissary-General.

Sec. 46. The commissary-general shall procure supplies for the subsistence of the troops at the parades and encampments authorized by this title; and shall report the state of his department to the general assembly, during the first week of each regular session.

Paymaster-general.

Sec. 47. The paymaster-general shall pay the troops, and annually settle his accounts with the comptroller on or before the thirtieth day of September.

Bonds of quartermaster-general, etc.

Sec. 48. The quartermaster-general, commissary-general, paymaster-general, and judge-advocate-general shall execute all orders given them by the commander-in-chief, and shall each, except the judge-advocate-general, give bond, with surety, to the state, to the acceptance of the treasurer, in twenty thousand dollars, conditioned for the faithful discharge of the duties of his office.

Inspection of organization.

Sec. 49. When ordered out for inspection, each organization shall be inspected in accordance with the rules of the United States army, by the inspector or by the officer making the inspec-

tion, who shall report the quality and condition of the uniforms, arms, and equipments of both officers and men, and the other details of his inspection to the brigadier-general, and the latter shall forward the same to the adjutant-general with his annual report.

Sec. 50. The commanding officer of each company, machine-gun battery, signal section, and platoon of artillery, shall, annually, in October, make a certified return of the names of the active members of his command who have performed the duty required by law to the selectmen of the towns in which such members reside. Like returns of staff officers, hospital corps, and regimental bands shall be made by their regimental commandants, and of other staff officers by their immediate commandants. Returns to be made to the selectmen.

Sec. 51. The comptroller shall draw his order on the treasurer to the order of the proper disbursing officer, for all payments and expenditures authorized by this title, requisition being made by the officer on the comptroller for the sums required, which requisition shall be approved for the adjutant-general by the governor, and for the quartermaster-general, commissary-general, and paymaster-general by the adjutant-general. Each officer shall file his vouchers with the comptroller on or before the twenty-eighth day of February, the thirty-first day of May, the thirty-first day of August, and the thirtieth day of November in each year. Payment by the state.

PARADES AND ENCAMPMENTS.

Sec. 52. The Connecticut National Guard shall parade for drill one day, annually, in April or May, by company or regiment, or battalion, as ordered by the commander-in-chief, and the infantry shall encamp for drill and instruction not less than six successive days, nor more than eight days, between the tenth day of August and twentieth day of October, by brigade, annually, as ordered by the commander-in-chief. Annual parades.

Sec. 53. The places of said encampments shall be designated by the commander-in-chief. Orders for encampment shall be given at least fifteen days prior thereto, and for said parades at least three days prior thereto, by depositing the same in the mail, properly addressed to the persons to be notified, or leaving the same at his usual place of abode, or reading the same in his hearing. Each platoon of artillery shall parade one day in September for drill, in its own town; and the commander-in-chief may, at his discretion, order any platoon of artillery to attend any encampment. No member of the active militia shall be exempted or relieved from military duty by membership or service in any fire company. Place of encampment.

Power of commanding officer of parade or encampment.

Sec. 54. The commanding officer of any encampment or parade may cause those under his command to perform any field or camp duty he shall require, and may put under arrest during such encampment or parade any member of his command who shall disobey a superior officer, or be guilty of disorderly or unmilitary conduct, and any other person who shall trespass on the parade or encampment ground, or in any way interrupt or molest the orderly discharge of duty by the members of his command; and he may prohibit the sale of all spirituous or malt liquors within one mile of such parade or encampment.

Duty of brigadier-general.

Sec. 55. The brigadier-general shall direct such target practice as he may deem expedient, and shall attend each encampment, and report the conduct and discipline thereof to the commander-in-chief, who, if he shall judge that such encampment has been prejudicial to good morals or military discipline in any regiment, shall not permit another encampment of such regiment until its commanding officer has resigned or been removed.

Quartermaster to furnish transportation, etc.

Sec. 56. The commanding officer of each encampment shall make requisition on the quartermaster-general at least ten days prior thereto, for the necessary transportation and tents, blankets, camp equipage and supplies therefor; and if approved by the adjutant-general, the quartermaster-general shall furnish the same.

Special military service.

Sec 57. The governor, or in his absence the lieutenant-governor, or in their absence the adjutant-general, or in their absence the brigade commander, may call out any portion of the active militia for escort duty, or any special service in the state; and if the same shall be for ten days or less, the compensation shall be the same as for the parades expressly required by law, but if for more than ten days, the compensation, allowances, and rations, shall be as prescribed for the army of the United States.

Company drills.

Sec. 58. The commander-in-chief may direct the commandant of each organization to order weekly evening drills by any organization of his command from November to May inclusive, of not less than one hour each, and the commandant shall inspect at least one evening drill of each organization during said period, or detail a field officer for such inspection. The officer making such inspection shall receive his necessary traveling expenses, to be paid on certificate of the regimental commandant, approved by the adjutant-general.

Evening inspections and musters.

Sec. 59. The commander-in-chief is authorized to order evening inspections and musters of the national guard, and for absence from such inspection or muster, each member shall be liable to the same fine as for absence from any legally authorized parade or encampment.

PAY.

Sec. 60. For each day's service in complete uniform at the parades and encampments authorized by this title, each commissioned officer shall be paid the same as an officer of like grade in the army of the United States; each regimental non-commissioned officer and each first sergeant, two dollars and fifty cents; each sergeant two dollars and twenty-five cents: each corporal two dollars; and each other enlisted man, one dollar and seventy-five cents; each member of a regimental band shall receive first sergeant's pay; and each enlisted man, after having served a full term of enlistment, shall receive additional pay of twenty-five cents per day during each subsequent enlistment. Five dollars per day shall be paid for each horse furnished and used by officers required to be mounted, and two dollars a day for each artillery horse and for each horse used by headquarters orderlies, and rations and forage, or commutation therefor, as prescribed by the army regulations of the United States. Amount of pay and allowances.

Sec. 61. Pay-rolls for service shall be forwarded in duplicate to the adjutant-general on the last day of encampment before the organization leaves the camp ground, or within two days after a parade, by their respective commandants, and for brigade and regimental field and staff officers, hospital corps and bands, by their respective commandants, with a certificate under oath by such commandants that the persons therein named have performed the duty and are entitled to the pay therein specified. The adjutant-general shall forward one of said pay-rolls, unless disapproved or found incorrect by him, to the paymaster-general, within seven days after receiving it, and within three days thereafter, the paymaster-general, or regimental paymaster under his direction, shall pay the specified amounts to the persons entitled thereto, in person or by check, after deducting and paying to the company treasurer, or person authorized to receive the same, the amount of all stoppages due from said person, under the by-laws of the organization, or the provisions of any law of the state; also all assignments made for rations furnished at any parade or encampment. No such payment shall be made at any parade or encampment. In any organization in which there is no paymaster the adjutant-general may detail an officer to make payments as prescribed herein. The regimental paymaster shall give bonds, and officers detailed as paymasters may be required to give bonds with surety to the state in the sum of ten thousand dollars, conditioned for the faithful discharge of their duties. The comptroller shall draw orders on the treasurer in favor of the paymaster-general for Pay-rolls.

such sums as the adjutant-general shall certify to him will, in his opinion, be necessary for the purposes specified in this section, which shall be paid out of any unappropriated money in the treasury; and should there be none when thus called for, the treasurer may borrow the amount necessary for such purposes. The paymaster-general, after paying such officers and enlisted men, shall settle with the treasurer by returning any surplus money in his hands, or by receiving from the comptroller his order on the treasurer for any sums of money that he may have paid over and above the sum received by him for such purposes, and he shall file his vouchers with the comptroller.

False certification.

Sec. 62. Any officer who shall knowingly and falsely certify to any such pay-roll, with intent to cause any payment to be made not due by the provisions of this title, shall be fined not more than two hundred dollars, or imprisoned in a jail not more than three months, or both, by sentence of a general court-martial, under the provisions of this title.

Deduction of fines and dues.

Sec. 63. The commanding officer of each organization shall deduct from any pay so received for any member thereof the amount of all dues, fines, and penalties due from such member under the by-laws of such organization or any provision of this title.

No pay except for personal service.

Sec. 64. No officer or soldier in the national guard shall receive any compensation for duty at parades or encampments, unless he personally performs such duty, whether excused or not, nor shall any substitute for such member receive compensation. All officers and soldiers shall sign pay-rolls, on day of parade or before the last day of encampment, for duty performed, and in all cases the signature of a soldier shall be made in the presence of his commanding officer, and in case he signs by mark, such mark attested by such officer.

Allowance to commandants for care of state property.

Sec. 65. The commandant of each regiment, of each battalion, and of each company of infantry and platoon of artillery, shall be allowed fifty dollars a year, and the commandant of each machine-gun organization, and of each signal section, and that commissioned officer, if any, detailed by the regimental commandant to take charge of state property issued for the use of the band, twenty-five dollars a year, as compensation for the care of the state property in his possession, to be paid by the quartermaster-general after his October inspection of such property, if it be found in good condition, deducting, however, the value of all such property not accounted for.

Pay of surgeons, and for special service.

Sec. 66. Regimental surgeons, when not on regular duty with their regiments, post-surgeons, member of all military boards and courts, including field officers' courts, and all officers ordered on special service by the commander-in-chief, shall receive such reasonable compensation for their services as he shall determine.

Sec. 67. Every officer or soldier wounded or disabled, and the widow and children of every officer or soldier killed while in the active service of the state, shall be suitably provided for by the general assembly. **Soldiers killed in active service.**

FINES AND COURTS-MARTIAL.

Sec. 68. Every non-commissioned officer, musician, or private, or member of a regimental band, absent without leave or excuse satisfactory to his commanding officer, from any roll-call, parade, or encampment, or any roll-call thereat, shall be fined not more than five dollars for such absence; for absence from drill, not less than one dollar; and for any unsoldierly conduct or disobedience to orders at any drill, parade, or encampment, may be fined not more than ten dollars by his commanding officer, who shall notify him of such fine within ten days after such absence or offense. If such fine is not paid within ten days after such notice, such commanding officer shall certify the same to the commandant of his regiment or battalion, who shall hear and determine the case; and he may at any time within six months after such hearing, draw his warrant for the collection of such fine or fines, directed to the sheriff, or any proper officer, who shall proceed to enforce and collect the same in the same manner as an execution issued in any action founded upon a tort. Such fines, when collected, shall be paid into the treasury of the company or organization to which the offender belongs. **Soldiers liable to fine.**

Sec. 69. Executions for the collection of fines under the provisions of this title, may be of the form following, to wit: To the sheriff of county, his deputy, or either constable of the town of , within said county, greeting: Whereas of said a of regiment, Connecticut National Guard, has incurred fines by reason of absence without leave or satisfactory excuse from duly ordered by law as follows: [Date of parade or encampment.] [Amount of fine.] And whereas said has also incurred the following fines for violation of the by-laws of said [Date of fine.] [Amount of fine.] And whereas due and lawful notice thereof was given to said according to law, but he neglected and refused to pay the same, and thereupon certificate was made as required by statute to , then commanding said regiment, who did, on the day of , 18 , at in the town of , in said county [the said having had sufficient notice thereof] hear said **Form of execution.**

cause, and thereupon did find and determine that the aforesaid fines, amounting in all to the sum of dollars, had been lawfully imposed on the said , and that said had neglected to pay the same, and that the same were now due and payable, and that execution should issue for the collection of the same. These are therefore by authority of the state of Connecticut to command you that of the goods or lands of the said within your precincts you cause to be levied, and the same being disposed of or appraised as the law directs, paid into the treasury of the said , the aforesaid sum of dollars, with interest on said amount from the date of this execution to the time when the same shall be satisfied, with twenty-five cents more for this writ, and thereof also to satisfy yourself for your own fees. And for want of such goods of the said to be by him shown unto you or found within your precincts for satisfying said sums, you are hereby commanded to take the body of the said and him commit unto the keeper of the jail in in said county, who is likewise hereby commanded to receive the said and him safely keep until he shall pay into the treasury of said the full amount of the sums above mentioned, and also satisfy your own lawful fees. Hereof fail not, and make due return of this writ with your doings thereon to the subscribing authority. Dated at , this day of , A. D. 18 .

Courts-martial.

Sec. 70. Commissioned officers or enlisted men, for neglect of duty, disobedience of orders, or unsoldierly conduct, may be tried by general court-martial, according to the usage of such courts, ordered as occasion may require by the commander-in-chief or brigade commander, who, in such order, shall designate the time and place of holding such court, and the names of the officers composing it, which shall consist of not less than three nor more than thirteen members, and a judge-advocate. The senior officer of the court present shall preside, and shall be, if practicable, of superior rank to the accused. Officers who may appoint a court-martial shall be competent to appoint a judge-advocate for the same; they may also authorize the employment of a stenographer for a general court-martial.

Person accused to have copy of charge.

Sec. 71. The accused shall be served, at least twenty days before the session of said court, with a copy of the order for the same, for his appearance thereat, and a copy of the charges and specifications on which he is to be tried, properly attested, and served and returned to the judge-advocate by any person or officer designated by the authority convening the court. The specifications shall set out the act or neglect constituting the offense alleged in the charge, and shall be signed by the person making them.

Counsel may appear with accused.

Sec. 72. The accused on trial before a court-martial must appear before said court in person, and with counsel if he desires.

Witnesses, how summoned and paid.

Sec. 73. The judge-advocate shall cause the witnesses for the prosecution to be summoned by any person by him directed, by subpœna signed by him. The accused shall be entitled to like

process for witnesses in his defense, and depositions may be used as in civil courts. Any witness duly summoned, who shall refuse to appear and testify, may be, by warrant signed by the president of the court, and directed to the sheriff of the county, his deputy, or either constable of the town in which such witness resides, committed to the jail in such county, there to be held at his own expense, until he shall be discharged by due course of law. The fees of all witnesses summoned on the part of the state, and of the judge-advocate for summoning them, shall be the same as are allowed in civil causes, to be taxed by the president of the court, and paid by the state to the judge-advocate, who shall pay the fees of witnesses, when received by him, to the persons to whom they are due; and if the sentence of the court be against the accused, and be duly approved, said fees shall, by warrant under the hand of the president of the court, directed in manner aforesaid, be collected of the delinquent and paid to the state.

Sec. 74. A general court-martial, in time of peace, shall have power to order the following punishments: A fine of not to exceed two hundred dollars; a reprimand; a dishonorable discharge with disability of holding any military office in the state; and, in the case of a non-commissioned officer, reduction to the rank of a private soldier; and in the discretion of the court the additional punishment of not more than six months imprisonment in a jail; or any or all of these punishments; *provided* that in any case where the accused shall have been sentenced to confinement in a jail, which sentence shall have been duly approved, said accused shall have the right to appeal from the action of the general court-martial to the superior court in and for the county where said general court-martial was held. But no appeal shall be allowed until the accused shall enter into a recognizance with sufficient surety to the state, in such sum as the general court-martial may order, conditioned for the payment of all costs in case final judgment is rendered against him. **Extent of jurisdiction of court-martial.**

Sec. 75. If the accused shall neglect or refuse to attend a court-martial, according to orders and notice given to him, a warrant for his arrest shall be issued, for his appearance before said court, signed by the president of the court, attested by the judge-advocate of the court, and directed and served as for witnesses in section 73, and like penalties will be incurred. If shown to be prevented by reasonable cause from so attending, the court may adjourn, and notice thereof shall be given by the judge-advocate to the accused at least ten days before the day to which the court is adjourned. **Neglect or refusal by accused to attend court.**

Sec. 76. The fines imposed by sentence of a court-martial shall be for the use of the state, and shall be collected by a warrant under the hand of the president of the court, directed to a sheriff, or some other proper officer, who shall collect them, with lawful costs, as on executions issued in actions founded upon a tort, and pay them to the state treasurer, except the costs of col- **Collection and disposition of fines.**

lection; and in all cases in which a fine or costs shall be awarded by a court-martial, and the sentence of such court shall be approved, and its president shall die, or be discharged or promoted, without having issued a warrant for such fine or costs, the member of such court remaining next in rank to him shall issue such warrant; the imprisonments imposed by sentence of a general court-martial shall be under the hand of the president of the court attested by the judge-advocate, and addressed to a sheriff or some other proper officer, and by mittimus in form as appears below, and in all cases in which a confinement shall be awarded by a general court-martial, and the sentence of such court shall be approved, and its president shall die, or be discharged or promoted, without having issued the mittimus for such confinement, the member of such court remaining next in rank to him shall issue such mittimus, attested by the judge-advocate of the court. Mittimus for the imprisonment in a jail, under the provisions of this title, may be of the form following, to wit:

STATE OF CONNECTICUT, } ss. day of A. D. 189
COUNTY. }

To the sheriff of said county of , his deputy, or either of the constables of the town of , within said county, and to any member of the police department, of the city of , and to the keeper of the jail in said county,—GREETING:

WHEREAS, of a of the regiment, Connecticut National Guard, having been ordered to appear and having so appeared before a general court-martial, held pursuant to special orders No. adjutant-general's office dated , 189 , at in said state, on the day of , 189 , was by said general court-martial found guilty of the crime of in violation of and has been sentenced to a term of imprisonment in a jail of months by sentence of said general court-martial, duly approved, which court-martial was duly appointed in said orders, and having authority under the statutes of the state of Connecticut, which will more fully appear from the proceedings of the general court-martial on file in the office of the judge-advocate-general, which sentence was duly approved by , the authority convening the court; against the peace of this state, of evil example, and contrary to the statute in such case made and provided.

Whereupon, it is considered and ordered by said general court-martial, that the said defendant be imprisoned in the common jail in the town of , in the county of , for the period of months from the date of commitment, whereof execution remains to be done.

These are, therefore, by authority of the state of Connecticut, to command you to take and convey the said defendant, to the common jail, in the town of , in the county of and him deliver to the keeper thereof; and leave with him, the said keeper, this warrant; and the said keeper is hereby commanded to receive the said defendant into his custody,

within said jail, and said defendant confined and imprisoned within the same, for the period of from this date, and said defendant safely keep till he be discharged by order of law through the expiration of his term of confinement.

Dated at this day of A. D. 189 ,

President of the General Court Martial.

[Attest.]

Judge-Advocate of the General Court Martial.

Sec. 77. The proceedings, findings, and sentences of any courts-martial shall be approved or disapproved by the authority convening the court, who may mitigate or remit any punishment awarded by sentence of any court-martial, when such proceedings and findings shall have been approved; and the record of the proceedings and sentence of a court-martial, in every case, with the order approving or disapproving it, shall be deposited in the office of the judge-advocate general. In each regiment, the commanding officer may at any time establish a field officer's court-martial, for the hearing and trial of any enlisted man against whom charges are made for minor offenses, said "minor offenses" to be defined in the regulations authorized in section 14. Said court shall consist of a field officer duly appointed in orders, who shall have power to inflict any or all of the following punishments: A fine not exceeding twenty-five dollars, to be collected as provided in section 69; a dismissal for the benefit of the service; a dishonorable discharge, or, in the case of non-commissioned officers, reduction to the rank of a private soldier; and shall keep a record and report, as in cases of courts-martial. **Approval of findings of court-martial.** **Field officer's court-martial.**

Sec. 78. All active members of the national guard shall, except for treason, felony, and breach of the peace, be privileged from arrest and imprisonment by civil authority while under orders in the active service of the state, from the date of the issuing of such orders to the time when such service shall cease. **National guard, when exempt from arrest.**

Sec. 79. When an officer of the Connecticut National Guard, in good standing, has served five years as a commissioned officer, he shall, if he make application therefor to the commander-in-chief, be retired from active service and placed upon the retired list. When, in the opinion of the commander-in-chief, any officer has become incapable of performing the duties of his office, he shall be ordered before a retiring board to be assembled by the order of the commander-in-chief. When such board finds an officer incapacitated for active service, it shall report its findings to the commander-in-chief, and if, in the opinion of the board, the incapacity has resulted from no fault of the officer examined, he shall be placed upon the retired list. **Retired list.**

Sec. 80. A retiring board may inquire into and determine the facts touching the nature and occasion of the disability of an officer who appears to be incapable of performing the duties of his office, and shall have such powers of a court-martial and of a court of inquiry as may be necessary for that purpose. **Retired board.**

Status of retired officers.

Sec. 81. Officers on the retired list shall serve thereon without pay; they shall be withdrawn from command and from the line of promotion. They shall continue to be borne on the roster of the Connecticut National Guard, and shall be entitled to wear the uniform of the rank on which they may be retired. They shall at all times be subject to the rules and regulations governing the Connecticut National Guard. During any emergency they may be placed on active duty by the commander-in-chief; when on such duty they shall be entitled to the pay and allowances of officers of a similar grade on the active list.

EFFECT OF THIS CHAPTER.

Repeal.

Sec. 82. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 83. This act shall not affect Chapter CXCVI of the general statutes.

Sec. 84. This act shall take effect upon its passage.

Approved, June 2, 1893.

CHAPTER CXCVI.

Governor's Guards.

Sec. 3216. The several companies of governor's guards shall be filled from time to time by voluntary enlistments; but no enlistment shall be made from any company of active militia. G. S. 1875, 125, § 1. Enlistments.

Sec. 3217. The commanding officer of any company may order any of its musicians to assemble for practice and instruction, at such places as he shall direct, and at such times, not exceeding, together with the number of days on which they shall be called to do duty with their company, the whole number of days on which said company may, by law, be called out for company exercise; and if any musician shall neglect to obey such order he shall be liable to the fines prescribed for non-attendance on days of ordinary company exercise, subject to the right of appeal allowed by section 3219. G. S. 1875, 125, § 2. Commandant may assemble musicians for practice.

Sec. 3218. The sworn certificate of the commanding officer of any such company shall be evidence of any forfeiture incurred by its members; and if any forfeiture shall not be paid within ten days after it shall have been incurred, he may sue for it in his own name, but for the use of the company; and shall have powers of attachment and execution against the body of the delinquent to be proceeded with in all respects as in actions founded upon a tort; and when any commanding officer shall die, resign, or be removed from office, all actions for such forfeitures may be brought or continued by his successor in office. G. S. 1875, 125, § 3. 1879, ch. 22. Evidence of forfeitures. Proceedings for collection.

Sec. 3219. The commanding officer of any such company may dismiss every non-commissioned officer, musician, and private belonging thereto who shall neglect his duty, and thereafter such person shall be liable to be enrolled in the same manner as if he had never enlisted into such company; but he may, within thirty days after receiving notice of such dismissal, appeal to the commander-in-chief, who may annul or affirm such dismission. G. S. 1875, 125, § 4. Member, how and for what dismissed.

Sec. 3220. Each company of the governor's guards shall be entitled to an armory, to be provided by the quartermaster-general and paid for by the comptroller, on approval by the governor, and one dollar per year for care of each rifle or saber issued to them by the state, to be paid by the comptroller, and each member of any company of the governor's guards who shall parade annually in May, for one day's drill, or shall do active duty at any other time, when so ordered by the commander-in-chief, shall receive pay as follows, viz.: For each officer, non-commissioned officer, and private, two dollars per day, and, in addition thereto, a commutation of rations of one dollar and twenty cents for each 1881, ch. 142. Armory for governor's guards. Pay and allowances.

officer, and thirty cents for each enlisted man, and for each horse used by any commissioned officer entitled to parade mounted, five dollars per day, and for each horse used by each non-commissioned officer or private of mounted companies, two dollars per day, and forage for each horse when used as above, twenty-six and two-thirds cents per day, and fifty dollars to each company for a band of music when parading as an escort to the governor, and pay for two musicians per day when otherwise ordered out by the commander-in-chief, and fifty dollars per year to each commandant of a company who is responsible for the care and custody of state property in their possession, and actual cost of transportation to said companies when ordered out by the commander-in-chief for drill, parade, or escort duty, as above provided, all of which payments shall be made on properly receipted pay-rolls, and attested and sworn to by the commanding officer, to be paid by the comptroller on the approval of the governor.

1881, ch. 142. Arms and uniforms.

Sec. 3221. All issues of arms, equipments, and uniforms to the companies of the governor's guards shall be made in such manner as shall be from time to time provided for by the general assembly, but this section shall in no way affect the property of the state now in the possession of the governor's guards.

G. S. 1875, 125, § 6. Return of muster roll.

Sec. 3222. The commanding officer of each company of governor's guards shall annually, in March, transmit a muster roll of his command to the adjutant-general.

CHAPTER CCXXXII.

AN ACT RELATING TO MILITARY EQUIPMENTS FOR THE GOVERNOR'S GUARD.

That the quartermaster-general is hereby directed to issue to the several companies of the Governor's guard such arms, equipments, ammunition, and uniforms as the commanding officer of each company may make requisition for, *provided*, such requisition is approved by the governor, and the cost of such supplies shall be paid by the comptroller. **Governor's guard, how supplied with arms, etc.**

Approved, June 23, 1893.

CHAPTER CCLXVII.

AN ACT AUTHORIZING THE ORGANIZATION OF THE NAVAL BATTALION OF THE CONNECTICUT NATIONAL GUARD.

Section 1. The commander-in-chief, adjutant-general and brigadier-general commanding the brigade, constituting the board for location and organization of the national guard, under section 16 of an act relating to militia (Chapter CLXXXIV of the public acts of 1893), are hereby authorized to organize not exceeding four of the forty-eight companies already authorized by the above act, as a special force for coast protection as a naval reserve and in the manner herein provided. There may be organized, as a part of the active militia of this state, not exceeding four divisions of naval militia, fully armed, uniformed, and equipped, which shall constitute a battalion, to be designated as The Naval Battalion of the Connecticut National Guard. These divisions of naval militia shall be considered the equivalent of companies of infantry, and shall be located by the board as provided in section 16, Chapter CLXXXIV of the public acts of 1893, throughout the state with reference to the military wants thereof, means of concentration, and other military requirements, and with special reference to the defense of its sea-coast and navigable waters. **Naval battalion, how organized.**

Sec. 2. All first enlistments in the naval militia shall be for three years, and any person who has received or is entitled to an honorable discharge from said naval militia by reason of expiration of term of service may re-enlist for the term of two years. All enlistments or re-enlistments in said naval militia shall be made in the same manner and shall be subject to the same laws, regulations, and requirements as enlistments in other companies of the Connecticut National Guard, and no enlistment in said naval battalion shall be made from any company of the active militia of this state. **Term of enlistment.**

Officers of naval battalion.

Sec. 3. The officers of the naval battalion shall be a commander who shall be designated as the chief of battalion, and who shall command the same; one lieutenant-commander, who shall act as executive officer, and who shall be next in rank and in succession to command to the commander; and one lieutenant, who shall act as navigator. These officers shall be nominated by the commissioned officers of the divisions of the naval battalion. The commander shall nominate on his staff one adjutant, one ordnance officer, one paymaster, one surgeon, each with the rank of lieutenant (junior grade), and one assistant surgeon, with the rank of ensign. The non-commissioned staff of the battalion shall consist of one master-at-arms, two yeomen, and one chief bugler, who shall be appointed by the commander, and warranted by him.

Division officers.

Sec. 4. Each division of the naval battalion shall consist of one lieutenant, who shall be designated chief of division, and who shall command the same; two lieutenants (junior grade), two ensigns, all nominated by the division, and not more than eighty-one nor less than thirty-six petty officers and seamen. To each division of said battalion there shall be allowed such and so many petty officers as the commander-in-chief shall from time to time prescribe, which officers shall be nominated by the commandant of the division to the commander of said battalion, who shall appoint and issue warrants to the persons nominated when approved by him, or order new nominations when disapproving.

Arms, etc., how provided.

Sec. 5. The quartermaster-general shall, upon due requisition therefor, approved by the adjutant-general, furnish the naval battalion, at the expense of the state, with suitable arms, uniforms, armories, ammunition, equipments, colors, camp equipments, and suitable equipments required for the service allowed to be performed by the battalion afloat, and transportation from its armory to the place of parade, encampment, or rendezvous, and a battalion headquarter room for the same, for the safe-keeping of the colors and other state property in charge of the commander of said battalion.

Uniform.

Sec. 6. The uniform of the naval battalion and the insignia and designation of grade and rank shall be prescribed by the commissioned officers and approved by the commander-in-chief, a sample of the uniform so prescribed being deposited with the quartermaster-general. The commander-in-chief, adjutant-general, quartermaster-general, and the commander of the naval battalion, shall constitute a naval clothing board, to receive proposals and award all contracts for uniforms which may be required for the use of the naval militia, which uniform shall be as prescribed and in accordance with samples furnished. All uniforms must be accepted by said board before being paid for by the quartermaster-general.

Parade and encampment.

Sec. 7. The naval battalion shall parade for drill, one day, annually, in May, by division or battalion, as ordered by the commander-in-chief, and shall annually encamp or rendezvous for drill

and instruction not less than six nor more than eight successive days between the tenth of August and the twentieth of October, as ordered by the commander-in-chief. During such drill, rendezvous, or encampment, said naval battalion shall be instructed as the commander-in-chief may direct, and shall be subject to the laws governing the active militia and the regulations prescribed for the naval militia. The duty required of the naval militia by law may be performed afloat.

Sec. 8. The commander-in-chief may direct the commander of the naval battalion to order weekly evening drills by any division of the naval battalion, from November to May inclusive, of not less than one hour each, and the commander shall inspect at least one evening drill of each division during said period, and for making such inspection shall receive his necessary traveling expenses, to be paid on his certificate, approved by the adjutant-general. **Drill and inspection.**

Sec. 9. Each commissioned officer of the naval battalion shall receive for each day's service in complete uniform at the parades, encampments, or rendezvous authorized by law, the same pay allowed to an officer of like rank and grade in the navy of the United States; each enlisted man shall receive one dollar and seventy-five cents for each day of like service; and each petty officer shall receive such additional pay, not exceeding seventy-five cents per day, as the commander-in-chief shall prescribe. Each enlisted man, after having served a full term of enlistment, shall receive additional pay of twenty-five cents per day during each subsequent enlistment. Officers and enlisted men shall also receive rations or commutation therefor, as prescribed by the regulations of the United States navy. The commandant of each division shall be allowed fifty dollars a year for the care of state property in his possession, to be paid by the quartermaster-general after the inspection, and subject to the deduction provided by law. **Pay.**

Sec. 10. The rank in this act is naval rank. The relative rank of officers in The Navy Battalion of the Connecticut National Guard and the Connecticut National Guard is as follows: commander with lieutenant-colonel; lieutenant commander with major; lieutenant with captain; lieutenant (junior grade) with first lieutenant; and ensign with second lieutenant. The relative position of seamen in the naval battalion shall be that of private in the infantry or artillery, and the relative position of petty officers in the naval battalion and non-commissioned officers in the infantry or artillery shall be prescribed by the commander-in-chief. **Relative rank.**

Sec. 11. The commander-in-chief shall make and publish regulations for the government of the naval battalion, which regulations shall conform as nearly as practicable to those governing the United States navy. The members of each division may form themselves into an organization and make by-laws for its govern- **Naval battalion how regulated.**

ment, which shall be binding on its members when approved by the commander-in-chief. All fines and dues imposed by such by-laws may be collected in the manner provided in section 68 of Chapter CLXXXIV of the public acts of 1893, except that it shall be necessary to notify any delinquent of the incurrence of any fines or dues within one month of the date when the same were incurred, and notice may be given collectively of such fines and dues, or both.

United States officers for inspectors and instructors.

Sec. 12. The commander-in-chief is hereby authorized to apply to the President of the United States for the detail of commissioned and petty officers of the United States navy, to act as inspectors and instructors to the naval battalion in the art of naval warfare.

Armories.

Sec. 13. The armories of the naval battalion shall be situated immediately on or near the navigable waters of the state, in such position as best to promote the efficiency of the service. The word "armory," as used or applied in the laws relative to the Connecticut National Guard, and by this act made applicable to the naval battalion, shall be held to include a vessel anchored, moored, or secured to the land while used only as an armory for the purpose of instruction, drill, or defense.

Laws relating to Connecticut National Guard applicable.

Sec. 14. All the laws relating to the Connecticut National Guard in force and subject to the modifications of this act, shall apply to govern the naval militia.

Approved, July 1, 1893.

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